

**MINUTES  
FREMONT CITY COUNCIL REGULAR MEETING  
APRIL 28, 2009  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

**1.1 Call to Order:** Mayor Wasserman called the meeting to order.

**1.2 Flag Salute:** Mayor Wasserman led the salute to the flag.

**1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison, and Chan.

**1.4 Announcements by Mayor/City Manager**

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- \* **2.2 Approval of Minutes for the Regular Meeting of October 7, 2008, the Regular Meeting and Work Session of October 21, 2008, the Regular Meeting of December 2, 2008, the Special and Regular Meetings of April 7, 2009, and the Regular Meeting of April 14, 2009.**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council approved the minutes for the Regular Meeting of October 7, 2008, the Regular Meeting and Work Session of October 21, 2008, the Regular Meeting of December 2, 2008, the Special and Regular Meetings of April 7, 2009, and the Regular Meeting of April 14, 2009.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

**\* 2.3 Mayor Wasserman opened consideration of the Request for Authorization to Set a \$21 Fee for Offering Fingerprinting Services to the Public at the Fremont Detention Facility**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council adopted Resolution No. 2009-21 amending the Master Fee Schedule by establishing a fee of \$21 for fingerprinting and furnishing of criminal background information, plus collection of pass-through charges.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.4 Mayor Wasserman opened consideration of the Approval of Plans and Specifications, Fund Appropriations, and Award of Contract for the New Construction of Fire Department Tactical Training Center (City Project No. 8557), APN # 531-0165-034-03**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council:

1. Approved Plans and Specifications for the new Fire Department Tactical Training Center, City Project No. 8557 (PWC).
2. Appropriated \$5,465,027 in Fire Safety Bond funds from Fund 213 to PWC 8557.
3. Awarded a contract for the construction for the new Fire Department Tactical Training Center, City Project No. 8557 (PWC), to Diede Construction, Inc., in the amount of \$3,833,948; and authorized the City Manager, or designee, to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.5 Mayor Wasserman opened consideration of the Appraisal Contract Services Agreement Amendment with Hulberg and Associates—Mission/Warren/Truck- Rail Program**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council authorized the City Manager, or his designee, to approve and execute a Contract Amendment for \$75,000, for a total amount of the contract not to exceed \$150,000, with Hulberg and Associates, Inc., for services related to the MWT Program.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

\* **2.6 Mayor Wasserman opened consideration of the Authorization of the City Manager to Execute a Memorandum of Understanding with the Alameda County Health Care Services Agency for Fremont Human Services FY 2008/09 Medi-Cal Administrative Activities**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council authorized the City Manager or his designee to execute a Memorandum of Understanding with the Alameda County Health Care Services Agency, to enable the City's Human Services Department to receive FY 2008/09 reimbursement of funds through Alameda County's Medi-Cal Administrative Activities Program.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

\* **2.7 Mayor Wasserman opened consideration of the Approval of a Cost Sharing Agreement with the Santa Clara Valley Transportation Authority (VTA) and the Alameda County Transportation Authority (ACTA) for Right-of-Way Acquisition and Utility Relocation for the I-880/Mission Boulevard Interchange Project Completion Phases**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council authorized the City Manager or his designee to execute a Right-of-Way Acquisition and Utility Relocation Cost Sharing Agreement with VTA and ACTA for the MWT Program, and further authorized the City Manager or designee to amend the Agreement in the future to increase VTA's share of the funding.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

\* **2.8 Mayor Wasserman opened consideration of the Informational Report on Foreign Trade Zone and Subzone Program and Benefits**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council has no recommendation; however, staff will begin to strategically promote the benefits of Foreign Trade Subzones to eligible businesses and, as a pilot program, over the next two years the Office of Economic Development will reserve funds in its annual operating budget to cover the Subzone application fee (up to \$6,500 per year) for one business per year as an incentive for eligible companies to explore becoming a Foreign Trade Subzone.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.9 Mayor Wasserman opened consideration of the Approval of Plans and Specifications and Award of Contract for Phase 3 Roofing of Seven Structures in Central Park Building Structures, City Project No. PWC 8393**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council:

1. Approved the plans and specifications;
2. Awarded a \$117,399.20 contract for Phase 3 Roofing Central Park, City Project No. 8393 (PWC), to DuBois Roofing, Inc., and authorized the City Manager or designee to execute the agreement.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski and Chan  
Noes: None.  
Absent: None.  
Abstain: Councilmember Harrison abstained due to a conflict of interest as one of the bidder's has a direct financial relationship with his company

**\* 2.10 Mayor Wasserman opened consideration of the Request for Authorization to Amend the Service Agreement with CirclePoint Consulting in Regards to Preparation of the Environmental Impact Report for the Patterson Ranch Development Project**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council authorized the City Manager, or his designee, to amend the service agreement with CirclePoint to include an additional amount not-to-exceed \$125,000 to finish preparation of the Environmental Impact Report for the Patterson Ranch development project.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.11 Mayor Wasserman opened consideration of the Introduction of an Ordinance Making Clarifying Amendments and Minor Changes to the Regulations Governing Places of Entertainment**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council:

1. Held a public hearing.
2. Found the project exempt from the California Environmental Quality Act under guideline 15061(b)(3) in that it can be seen with certainty it will not have a significant effect on the environment.
3. Waived full reading and introduced the enclosed draft ordinance amending Fremont Municipal Code Title V, Chapter 14 "Places of Entertainment Regulations".
4. Adopted a motion directing staff to prepare a summary of the ordinance and the City Clerk to post and publish the summary in accordance with Government Code Section 36933(c)(1).

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan

Noes: None

Absent: None

Abstain: None

**\* 2.12 Mayor Wasserman opened consideration of the Addition of Video Equipment to the Police Motorcycle Fleet that is Compatible with our Existing Infrastructure**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council awarded the contract to the International Police Technologies and authorized the City Manager or designee to sign the contract to make this purchase using the designated funds.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,  
Councilmembers: Wieckowski, Harrison and Chan

Noes: None

Absent: None

Abstain: None

**3. CEREMONIAL ITEMS**

**3.1 YMCA Kid City Project Presentation**

**3.2 Proclamation: Census 2010**

**3.3 Resolution: Kiwanis Ducks\$ for Bucks**

**3.4 Proclamation: Bike to Work Day**

**3.5 Resolution: Honoring the Fremont Family Resource Center's 10th Anniversary**

**3.6 Resolution: Honoring Community Services Officer Donna Madrid for Twenty Years of Service**

## 4. PUBLIC COMMUNICATIONS

### 4.1 Oral and Written Communications

Carlos Castanada and Steve Rhodes expressed concern related to street vendors selling produce in the Laurel Heights neighborhood.

## 5. SCHEDULED ITEMS – None.

### 5.1 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Decision to Deny a Conditional Use Permit to Allow a Head Shop to Occupy a Vacant 2,400 Square Foot Commercial Building in the Irvington Planning Area (PLN2009-00131)

Planning Director Jeff Schwob provided an overview of the project. Mayor Wasserman opened the public hearing. Essmat Kaid (Applicant) presented reasons for granting the appeal and approving the project. Mr. Kaid responded to questions from Councilmembers. There were no other speakers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers.

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council:

1. Held a public hearing;
2. Found the project exempt from the California Environmental Quality Act (CEQA) per CEQA Guideline 15301 which exempts projects involving the leasing of an existing facility by a use that is consistent with the current zoning and General Plan land use designation of the site; and either:
- 3a. Granted the appeal and approved the project based on the findings and subject to the conditions of approval contained in Exhibit “B.”

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

### 5.2 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider Extending for Eighteen Months the Interim Zoning Ordinance Adopted Pursuant to Government Code Section 65858 with the Adoption of Interim Design Guidelines and Standards for All Alterations and Construction of Single-Family Homes in Glenmoor Gardens and Mission Ranch

Planning Director Jeff Schwob provided background information and highlights of the Provisional Design Guidelines, and reviewed the scope of work and elements of the proposed Interim Design Guidelines. Staff responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. Janet Barton, Kathy Kimberlin, Arturo Del Rio, Leslie

Streight, Marc Vailetti, Alice Hoch, and Nishit Vasavada expressed support for extending the interim zoning ordinance and adoption of the Interim Design Guidelines. Nigel Chang and Charles Wilkins expressed opposition to extending the interim zoning ordinance and the Interim Design Guidelines. James Liu commented on the character of the Mission Ranch neighborhood. Daniel Lau asked Council to delay passage of the Interim Design Guidelines for Mission Ranch until his issues and concerns were addressed. Mayor Wasserman closed the public hearing. Another question and answer period. Councilmembers provided comment.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held a public hearing.
2. Found the project exempt from the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment under CEQA Guideline 15061(b)(3).
3. Found that the current and immediate threat to the public health, safety, or welfare if the ordinance is not adopted and that the approval of additional building permits without restrictions would result in incompatible homes to continue to be constructed and impair the City's ability to address community concerns related to negative neighborhood impacts.
4. Waived full reading and adopted Ordinance No. 10-2009 extending the interim zoning to October 6, 2010.
5. Approved interim design guidelines and standards (as set forth in Exhibits B & C) for all alterations and construction of single-family homes in Glenmoor Gardens and Mission Ranch to as identified in Attachments 1 and 2 respectively, including 40% FAR for single-story additions.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

## **6. REPORT FROM CITY ATTORNEY**

### **6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

## **7. OTHER BUSINESS – None.**

## **8. COUNCIL COMMUNICATIONS**

### **8.1 Council Referrals – None.**

### **8.2 Oral Reports on Meetings and Events – None.**

**9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 10:00 p.m.

Attest:

Approved:

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Dawn G. Abrahamson, City Clerk

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BOB WASSERMAN, Mayor